

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN )  
INSURANCE COMPANY, )

Plaintiff, )

vs. )

CIVIL ACTION NUMBER:2:06cv717-1D

CAROL THORN; JOLEEN LEEA )

COLON; DALE EUGENE )

KIRKINDOLL; ELIZABETH S. )

KIRKINDOLL; THOMAS HOLT )

KIRKINDOLL; JAMES W. GRIFFIN )

SANDRA L. GRIFFIN; PATRICK A. )

BELT; CHRISTOPHER B. BELT; )

GENE STEGMAIER; ESTATE OF )

WILLIAM R. KLAUSS, a deceased )

minor; ESTATE OF CHERETY THORN) )

a deceased minor; LV STABLER )

MEMORIAL HOSPITAL; BRPT LAKE) )

REHABILITATION CENTER; BUTLER) )

COUNTY EMERGENCY MEDICAL )

SERVICES; )

Defendants. )

**REQUEST FOR ENTRY OF DEFAULT BY CLERK OF COURT**

Comes now the plaintiff, Progressive American Insurance Company, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and requests the clerk of court to make an entry of default against the defendants, Butler County EMS, Baton Rouge Clinic, Southern National Life Insurance Company, and Schumacher Medical Group of Alabama, because of

their failure to plead, answer, or otherwise defend this case. The plaintiff submits the attached affidavit of Justin Lamb in support of this request.

/s/ R. Larry Bradford  
R. Larry Bradford, Attorney for  
Progressive American Insurance Company

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216  
(205) 871-7733

**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 15 day of September, 2007, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Mathew Richardson, Esq.  
Sidney W. Jackson, III., Esq.  
Jackson, Foster & Graham  
P.O. Box 2225  
Mobile, AL 36602

Ronald G. Davenport, Esq.  
Rushton, Stakely, Johnston & Garrett, P.A.  
P.O. Box 270  
Montgomery, Alabama 36101-0270

Edgar M. Elliott, IV, Esq.  
505 North 20<sup>TH</sup> Street, Suite 1800  
Birmingham, Alabama 35203

Jimmie R. Ippolito, Jr., Esq.  
1409 Coliseum Boulevard  
Montgomery, Alabama 36130

Greer B. Mallette, Esq.  
Christian & Small, LLP  
505 20th Street North  
1800 Financial Center  
Birmingham, AL 35203-2695

/s/ R. Larry Bradford  
OF COUNSEL

STATE OF ALABAMA

JEFFERSON COUNTY

**AFFIDAVIT OF JUSTIN LAMB**

JUSTIN LAMB, being duly sworn, deposes and says on oath as follows:

1. My name is Justin Lamb. I am an attorney for the plaintiff, Progressive American Insurance Company ("Progressive"), in this case. This affidavit is based upon my personal knowledge.

2. Defendant Baton Rouge Clinic was duly served with a copy of the summons and complaint on July 23, 2007. Service was accepted by S. Holden who, on information and belief, is an agent authorized by appointment to receive service of process. It has not filed an answer or otherwise defended this case. More than twenty days have elapsed since the date on which it was served with the summons and complaint.

3. The defendant Schumacher Medical Group of Alabama was duly served with the summons and complaint on July 23, 2007. Service was accepted by The Corporation Company, which is the registered agent for receipt of service of process for Schumacher Medical Group. It has not filed an answer or otherwise defended this case. More than twenty days have elapsed since the date on which it was served with the summons and complaint.

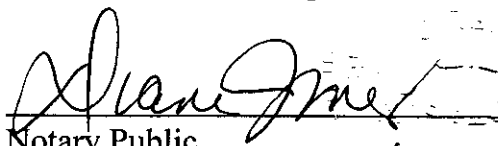
4. The defendant, Butler County Emergency Medical Services was duly served with the summons and complaint on March 22, 2007. Service was accepted by Marqueeta Powell who, on information and belief, is an agent authorized by appointment to receive service of process. It has not filed an answer or otherwise defended this case. More than twenty days have elapsed since the date on which it was served with the summons and complaint.

5. Southern National Life Insurance Company was duly served with the summons and complaint on July 23, 2007. Service was accepted by Valerie Roberts, who, on information and belief, is an agent authorized by appointment to receive service of process. It has not filed an answer or otherwise defended this case. More than twenty days have elapsed since the date on which it was served with the summons and complaint.

6. This affidavit is executed by the affiant in accordance with Rule 55 (a) of the Federal Rules of Civil Procedure for the purpose of allowing Progressive to obtain entries of default against these defendants based upon their failure to answer or otherwise defend the complaint.

  
Justin B. Lamb

Sworn to and subscribed before me on this the 11 day of September, 2007.

  
Notary Public  
My Commission Expires: 4-9-2010